



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 18, 1998

Mr. Bill Buida
Assistant General Counsel
Litigation Section
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR98-0476

Dear Mr. Buida:

You ask this office to clarify our rulings in Open Records Letter Nos. 97-2695 (1997) and 2446 (1997). Your request for clarification was assigned ID# 113537.

The Texas Department of Human Services (the "department") received a request for a case file on a certain public assistance recipient. It appears that this office received two copies of the request for a ruling and issued two conflicting opinions. In Open Records Letter No. 97-2695 (1997), we concluded that the department could not withhold the requested records because it did not timely provide us with certain information. In Open Records Letter No. 97-2446 (1997), we concluded that section 12.003 of the Human Resources Code made the requested records confidential by law in conjunction with section 552.101 of the Government Code. As it appears from the record that the department did, in fact, timely submit all of the required information, we conclude that you may rely on Open Records Letter No. 97-2446 (1997) in this instance. Open Records Letter No. 97-2695 (1997) is expressly overruled.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta R. DeHay", is written over the typed name.

Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 113537

cc: Mr. M. Engin Derkunt
General Counsel
NAACP, Criminal Justice Division
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